

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE ING GROEP, N.V.
ERISA LITIGATION

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**MASTER FILE NO.
1:09-CV-00400-JEC**

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THIS DOCUMENT RELATES TO:)
All Actions)

**PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF PROPOSED SETTLEMENT,
CONDITIONAL CERTIFICATION OF SETTLEMENT CLASS,
APPROVAL OF NOTICE PLAN, AND SETTING A FAIRNESS HEARING**

Plaintiffs Kent Sewright and Deadre D. Diggs respectfully move for entry of the accompanying [Proposed] Preliminary Approval Order (attached as Exhibit 1-C to the accompanying Memorandum):

- (1) granting preliminary approval of the Stipulation and Agreement of Settlement (the "Stipulation");¹
- (2) conditionally certifying the Settlement Class (for settlement purposes only) pursuant to Rules 23 and 23.2 of the Federal Rules of Civil Procedure, and appointing Bottini & Bottini, Inc. as Lead Counsel for the Settlement Class, the ING Americas Savings Plan and ESOP, and the ING 401(k) Plan for ILIAC Agents Plan pursuant to Rule 23(g);

¹ This motion incorporates all defined terms in the Stipulation.

- (3) approving the forms of the accompanying Notice and Publication Notice, and directing the Claims Administrator to cause the Notice to be mailed to each member of the Settlement Class at the address identified on the Plan Participant List within 30 days of the Preliminary Approval Date;
- (4) setting a briefing schedule and a date and time for the Fairness Hearing;
- (5) setting a deadline by which all objections to the Settlement must be made;
- (6) determining that, pursuant to Rules 23(c)(2) and 23(e), the forms of notice collectively constitute the best notice practicable under the circumstances and due and sufficient notice of the hearing and the rights of the Settlement Class and all other Persons entitled to such notice; and
- (7) granting such further and other relief as the Court deems just and proper.

This motion is based on the accompanying Memorandum and its exhibits, including an executed Stipulation and the forms of notice, as well as all the papers and proceedings in this action.

Dated: November 14, 2012

Respectfully submitted,
HARRIS PENN LOWRY DELCAMPO, LLP

s/ David J. Worley

David J. Worley

400 Colony Square
1201 Peachtree Street, N.E., Suite 900
Atlanta, Georgia 30361
Tel: (404) 961-7650
Fax: (404) 961-7651

*Interim Liaison Counsel for
Plaintiffs and the Settlement Class*

BOTTINI & BOTTINI, INC.
Francis A. Bottini, Jr.
Albert Y. Chang
7817 Ivanhoe Avenue, Suite 102
La Jolla, California 92037
Tel: (858) 914-2001
Fax: (858) 914-2002

*Interim Lead Counsel for
Plaintiffs and the Settlement Class*

GAINEY & MCKENNA
Thomas J. McKenna
Gregory M. Egleston (of counsel)
440 Park Avenue South, 5th Floor
New York, New York 10016
Tel: (212) 983-1300
Fax: (212) 983-0383

*Counsel for Plaintiffs and
the Settlement Class*

CERTIFICATE OF SERVICE

I certify that I caused a copy of the foregoing Plaintiffs' Motion for Preliminary Approval of Proposed Settlement, Conditional Certification of Settlement Class, Approval of Notice Plan, and Setting a Fairness Hearing to be served on all counsel of record using the CM/ECF system on the 14th day of November, 2012.

s/ David J. Worley

David J. Worley